



POSTAL REGULATORY COMMISSION
Washington, DC 20268-0001

Office of the Secretary

October 25, 2013

Drew S. Backstrand
Attorney at Law
On Behalf of Kaysay Abrha
60 South Sixth Street, Suite 2535
Minneapolis, MN 55402

Re: Appeal of the Postal Service's Closure of the Stamford Post Office, Stamford, CT

Dear Mr. Backstrand:

The Postal Regulatory Commission received the appeal you filed on behalf of Kaysay Abrha regarding the Postal Service's closure of the Stamford Post Office in Stamford, Connecticut. The appeal has been assigned Docket No. A2014-1. The Commission's Notice and Order accepting your appeal is enclosed.

A copy of Commission Form 61 is enclosed. A complete Form 61 or a brief may be filed to provide the Commission with arguments to support the appeal. See 39 C.F.R. § 3025.40. The deadline for submission of arguments is November 18, 2013. Other deadlines are set out in the Notice and Order accepting your appeal.

If you have questions, do not hesitate to call the Public Representative named in the Notice and Order. The telephone numbers and e-mail addresses of Public Representatives are posted on the Commission's website, www.prc.gov. You may also call the Commission's docket section (202-789-6847) to obtain contact information for the Public Representative assigned to your appeal. Please keep in mind that the Public Representative represents the interests of the general public and may not necessarily support all of your arguments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shoshana M. Grove".

Shoshana M. Grove
Secretary

Enclosures

**PLEASE READ THIS ENTIRELY BEFORE
FILLING OUT THE ENCLOSED
“PARTICIPANT STATEMENT”**

**APPEALS OF POSTAL SERVICE DETERMINATIONS
TO CLOSE OR CONSOLIDATE POST OFFICES**

INTRODUCTION

Congress statutorily requires the Postal Service to follow specific procedures and consider certain factors before making a Final Determination to close or consolidate a post office. The law gives any patron the right to appeal the Postal Service’s final determination to the Postal Regulatory Commission, (“PRC” or “Commission”), an independent agency which is not affiliated with the Postal Service. When a patron appeals a Postal Service Final Determination, the PRC must decide whether the Postal Service’s closure or consolidation of a post office is consistent with the law.

To assist the Commission in its consideration of an appeal of the Postal Service’s decision to close or consolidate your post office, you may want to send a written statement explaining why you believe the Commission should reverse the Final Determination and return the entire matter for further consideration. Enclosed, please find a *Participant Statement* form that you may use to present your written argument.

POSTAL REGULATORY COMMISSION AUTHORITY

With respect to appeals of Postal Service Final Determinations to close or consolidate a post office, the Commission is limited to “appellate jurisdiction.” As a result, the Commission cannot conduct its own fact-finding investigation and must consider appeals based solely upon the record which consists of the Proposal, Final Determination and other documents the Postal Service collected during closure or consolidation consideration. Postal Service regulations require that a copy of the record be available at the affected post office for thirty (30) days after the Final Determination is posted. After the initial posting period, Postal Service employees will have information on how a copy of the record may be obtained.

Limitations on the Commission’s authority prohibits it from returning a Final Determination to the Postal Service simply because the Commission believes a different result might be better. Rather, the PRC may only examine the Postal Service’s decision and record in order to determine whether the Postal Service abided by the statutory guidelines. Specifically, the law requires that the Commission affirm the Postal Service’s Final Determination unless the determination is:

- (A) arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law;

- (B) without observance of procedure required by law; or
- (C) unsupported by substantial evidence on the record.

Furthermore, the Commission may not change the Postal Service's Final Determination. It may only (1) affirm the decision or (2) remand the entire matter to the Postal Service for further consideration.

AUTHORITY OF POSTAL SERVICE

In keeping with its responsibility to operate the nation's mail system, the Postal Service has been given considerable authority over the operations of post offices; this authority includes the power to decide whether an office should be closed or consolidated. However, before reaching a decision to close or consolidate a post office, the Postal Service must follow a procedure set up by law as well as consider specific factors involved in such an action.

PROCEDURE

The law sets out the steps the Postal Service must take before it closes or consolidates a post office. Specifically, the Postal Service, prior to making a determination . . . as to the necessity of the closing and consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office *at least sixty (60) days prior to the proposed date of such closing or consolidation* to persons served by such post office to insure that such persons will have an opportunity to present their views.

The Postal Service calls its "notice of its intention to close or consolidate" the "Proposal." As noted above, the proposal must be posted for sixty (60) days. During the sixty (60) days, patrons are invited to give the Postal Service their comments on the proposed closing or consolidation. The Postal Service calls its determination to close or consolidate the "Final Determination." Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made. Such determination and findings shall be made available to persons served by such post office. The Postal Service shall take no action to close or consolidate a post office *until sixty (60) days after its written determination is made available to persons served by such post office.*

FACTORS TO BE CONSIDERED

In addition to following the required procedure, the Postal Service must also consider certain factors.

The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider:

- (A) the effect of such closing or consolidation on the community served by such post office;

- (B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;
- (C) whether such closing or consolidation is consistent with the policy of the Government . . . that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining;
- (D) the economic savings to the Postal Service resulting from such closing or consolidation; and
- (E) such other factors as the Postal Service determines are necessary.

PARTICIPANT STATEMENT

We have included a form that you may use for your written argument. The purpose of the Participant Statement is the same a formal brief which is to point out issues that you believe that Commission should consider in its review of the Postal Service's actions. You may file a Participant Statement as a formal brief. General examples of some issues that would be proper to include would be:

1. That the Postal Service did not consider certain issues it is required to consider;
2. The facts relied on by the Postal Service have not been established;
3. The Postal Service did not follow the procedure required by law; or
4. The facts in the Postal Service's final determination are true, but they do not prove what the Postal Service says they prove.

The Participant Statement should be as specific as possible.

In reviewing Postal Service determinations to close or consolidate post offices, Commission proceedings can be much less formal than is customary in courts. The Commission does not require patrons appealing Postal Service decisions to meet the usual format requirements for filed documents. No technical formalities are required. However, it is important that papers sent to the PRC are legible. It is also important for statements to be clear and as specific as possible.

The due date for a Participant Statement or brief can be found in the schedule which is attached as an Appendix to the "Notice and Order of Filing of Appeal." You should have a copy of the Notice and Order. If you do not, you should be able to find a copy posted at the post office. Under its rules, the Commission expects to receive briefs on the day specified in the schedule, rather than receiving briefs that are simply postmarked by that day.

FILING THE PARTICIPANT STATEMENT OR BRIEF

Address the Participant Statement or brief to:

Office of the Secretary
Postal Regulatory Commission
901 New York Avenue, NW, Suite 200
Washington, DC 20268

Please include the PRC Docket Number on your Statement and any other papers you send to the Commission concerning the case.

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268

In the Matter of:

Post Office

State

ZIP Code

:
:
:

Docket No: _____

_____, Petitioner(s) :

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the _____ post office. The Final Determination was posted _____.
(date)

2. In accordance with applicable law, 39 U.S.C. § 404(b)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages 1-2 of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

Participant Statement

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Stamford Post Office
Stamford, Connecticut

Docket No. A2014-1

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued October 23, 2013)

Notice is hereby given that, on October 17, 2013, the Commission posted an appeal on its website concerning the Postal Service's closure of the Stamford post office in Stamford, Connecticut.¹ The Petition was filed on behalf of Kaysay Abrha (Petitioner). The Petition includes a request to suspend the closure pending the outcome of this appeal.

The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2014-1 to consider Petitioner's appeal and request to suspend the closure of the Stamford post office. Petitioner may further explain his position with

¹ See Petition for Review and Application for Suspension, October 17, 2013 (Petition). The Petition is postmarked September 30, 2013.

electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at *prc-webmaster@prc.gov*.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than the Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before November 18, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

PROCEDURAL SCHEDULE

September 30, 2013	Filing of Appeal
October 28, 2013	Deadline for the Postal Service to file answer responding to application for suspension (see 39 C.F.R. § 3025.30)
October 28, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
October 28, 2013	Deadline for the Postal Service to file any responsive pleading
November 18, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
December 2, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
December 12, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
January 28, 2014	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))